



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

- against -

DERRICK SMIT,

Defendant.  
-----X

07 CR. 990 (VM)

**ORDER**

**VICTOR MARRERO, United States District Judge.**

The Government (see attached letter) requests that the conference for defendant scheduled for February 8, 2008 be adjourned for thirty days. The next conference is scheduled for Friday, March 14, 2008 at 3:45 p.m.

All parties to this action consent to an exclusion of the adjourned time from the Speedy Trial Act until March 14, 2008.

It is hereby ordered that the adjourned time shall be excluded from speedy trial calculations. This exclusion is designed to guarantee effectiveness of counsel and prevent any possible miscarriage of justice. The value of this exclusion outweighs the best interests of the defendants and the public to a speedy trial. This order of exclusion of time is made pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(ii) & (iv).

**SO ORDERED:**

Dated: New York, New York  
5 February 2008

A handwritten signature in black ink, appearing to read "Victor Marrero".

Victor Marrero  
U.S.D.J.



U.S. Department of Justice

United States Attorney  
Southern District of New YorkThe Silvio J. Mollo Building  
One Saint Andrew's Place  
New York, New York 10007

February 1, 2008

By Fax (212-805-6382)

Honorable Victor Marrero  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 660  
New York, New York 10007Re: United States v. Derrick Smit, 07 Cr. 990 (VM)

Dear Judge Marrero:

This matter is scheduled for a pre-trial conference Friday, February 8, 2008. I write with the consent of the defense to request that the conference be adjourned approximately 30 days, at the Court's convenience. In light of ongoing negotiations between the parties, both counsel are optimistic that a disposition will be reached within the next 30 days. Because this adjournment is sought to pursue plea negotiations, I also respectfully request that time under the Speedy Trial Act be excluded through any adjourn date.

Respectfully submitted,

MICHAEL J. GARCIA  
United States AttorneyBy: Marshall A. Camp  
Marshall A. Camp  
Assistant United States Attorney  
Tel. No.: (212) 637-1035

cc: Lawrence D. Gerzog, Esq. (by fax: 212-486-7701)

SO ORDERED.

DATE

HONORABLE VICTOR MARRERO  
UNITED STATES DISTRICT JUDGE